



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

July 28, 2004

SUBJECT: **2004-0528** - Application on a 7,187 square-foot site. The property is located at **1124 Spinosa Drive** in an R-1 (Low-Density Residential) Zoning District. (APN: 202-08-034);

Motion **Use Permit** to allow a reducible front-yard fence that is greater than seven feet in height.

REPORT IN BRIEF

Existing Site Single family residential

Conditions

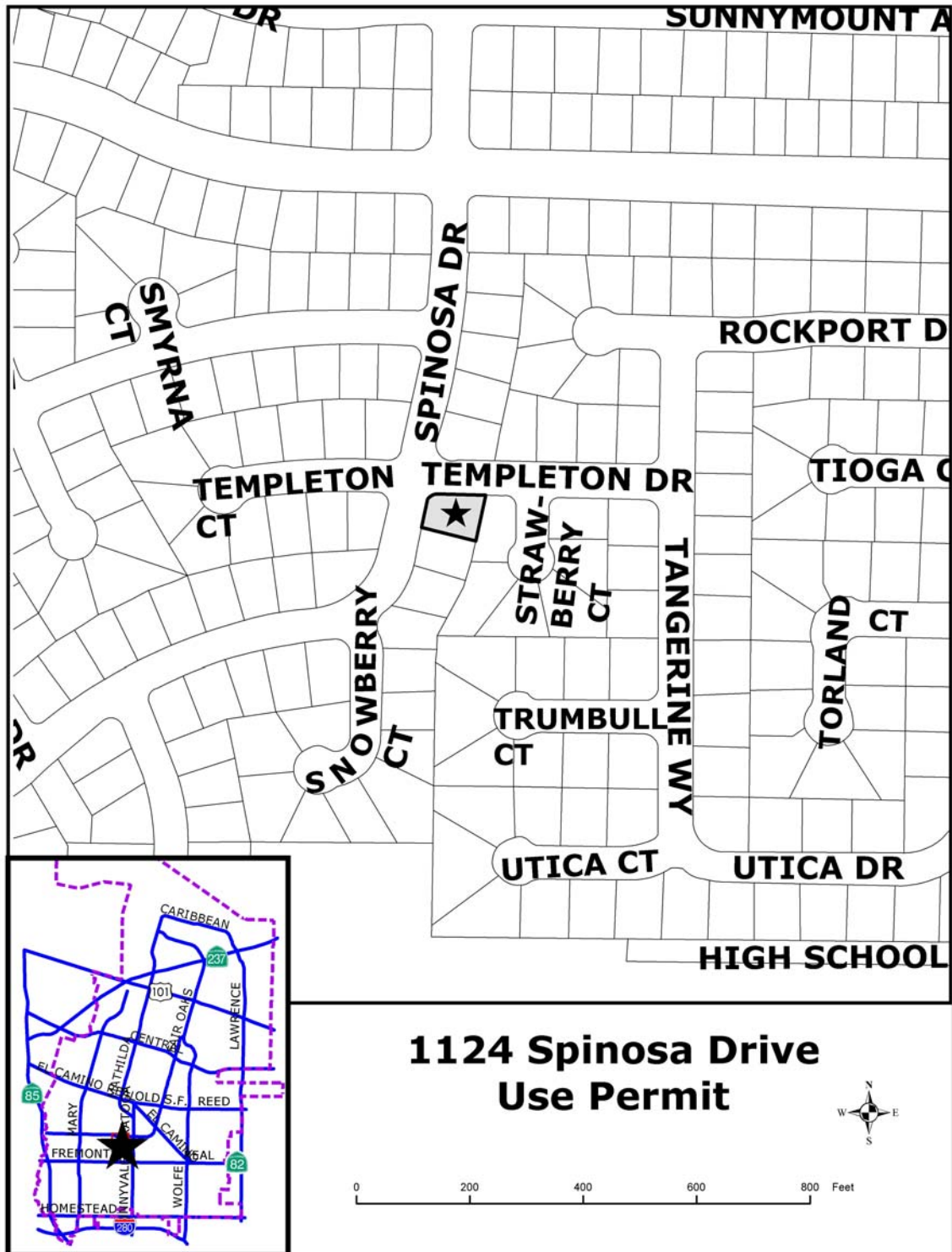
Surrounding Land Uses

North	Single family residential
South	Single family residential
East	Single family residential
West	Single family residential

Issues Compatibility with neighborhood

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Residential Low Density	Residential Low Density
Zoning District	R-1	R-1	R-1
Lot Size (s.f.)	7,187	7,187	8,000 min.
Gross Floor Area (s.f.)	1,755	1,755	3,231 max. without Planning Commission review
Lot Coverage (%)	24%	24%	40% max.
Floor Area Ratio (FAR)	24%	24%	N/A
Building Height (ft.)	12	12	30 max.
No. of Stories	1	1	2 max.
Setbacks (facing prop.)			
• Front	20	20	20 min.
• Left Side	14	14	9 min.
• Right Side	8	8	6 min.
• Rear	22	22	20 min.
Parking			
• Total No. of Spaces	2 driveway/2 garage	2 driveway/2 garage	2 driveway/2 garage min.

ANALYSIS**Background**

Previous Actions on the Site: There are no previous planning applications related to this site.

Description of Proposed Project

The applicant proposes a fence in the reducible front yard along Templeton Drive that would exceed 7 feet in height. Due to the sloped grade of the site

that is higher than the sidewalk grade by 1-3 feet, the fence would range in height from 7 feet towards the front of the lot to approximately 10 feet in height at the rear property line. The fence would be constructed of wood with horizontal boards on the lower retaining wall portion and 6-foot vertical boards for the upper portion of the fence.

The applicant's existing fence is already of the proposed height. However, the existing retaining wall is already located at the edge of sidewalk, but the fence above it is located approximately 5 feet behind the sidewalk providing a raised landscape area. The proposed fence would be one combined unit (fence directly over retaining wall) creating a solid wall rising up from the edge of the sidewalk. The applicant is moving the fence out to capture more private rear yard area.

Municipal Code Section 19.48.020 requires approval of a Use Permit for fences in the reducible front yard that exceed 7 feet in height. The height of fences in the reducible front yard is measured from the grade of the adjacent curb.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions, and City guidelines. Class 1 Categorical Exemptions include minor additions to existing facilities.

Use Permit

Use: See description discussed previously in this report under *Description of Proposed Project*.

Landscaping: There is no landscaping proposed as part of this application.

Compliance with Development Standards

The standard height for "good neighbor" fence in Sunnyvale is 6 feet. The Sunnyvale Municipal Code makes provisions to allow fences taller than 7 feet subject to review and approval of a Use Permit. The applicant's fence would range in height from 7 feet to 10 feet measured from the height of the adjacent curb.

Expected Impact on the Surroundings

As proposed, the fence height is expected to have a negative effect on the neighborhood, particularly the neighboring property to the rear. As proposed, the fence would visually be too tall adjacent to the sidewalk and would provide an imposing feeling in the neighborhood. It is more consistent with the

appearance of the neighborhood to have a landscape strip between the retaining wall and the upper fence when there is a grade differential.

Constructing the fence all the way to the sidewalk could also be detrimental to the neighbor to the rear. The neighbor's garage faces Templeton Drive. The proposed fence could block visibility to the neighbor's driveway. It would also require that some of the neighbor's landscaping be removed, which the neighbor is opposed to (see Attachment 5, letter from neighbor).

Staff recommends that the fence be approved with conditions, that is, be allowed to be reconstructed in the same manner as it exists today (staggered from the retaining wall by five feet) and not as one combined tall structure. Staff recommends that the fence height be graduated not to exceed six feet in height from the highest adjoining grade on the applicant's interior rear yard. Staff also recommends that landscaping and irrigation be installed in the planting area between the retaining wall and the fence.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal building permit fees are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Five notices were mailed to the adjacent property owners of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Approve the Use Permit subject to conditions as recommended by staff.
2. Approve the Use Permit with modifications.
3. Deny the Use Permit.

Recommendation

Recommend Alternative 1 to the City Council.

Prepared by:

Gerri Caruso
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site and Architectural Plans
4. Letter from the Applicant
5. Letters from other interested parties

Recommended Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale:

Land Use and Transportation Element

Goal C1 – Preserve and enhance an attractive community, with a positive image and a sense of place that consists of distinctive neighborhoods, pockets of interest, and human scaled development.

Community Design Sub-Element

Policy A.2 – Ensure that new development is compatible with the character of special districts and residential neighborhoods.

Action Statement C.2.h. – Encourage new construction to be compatible with open space characteristics between buildings in districts or neighborhoods.

As conditioned to be a staggered design with five feet of landscape area between the retaining wall at the sidewalk and the 6 foot fence located behind it, the fence will maintain the scale and character of the residential neighborhood along Templeton Drive. Overall, the structure will be more human scale than the proposed monolithic structure.

2. As conditioned the proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the fence will maintain the scale and appearance of the established neighborhood and will protect the visibility to the neighboring driveway.

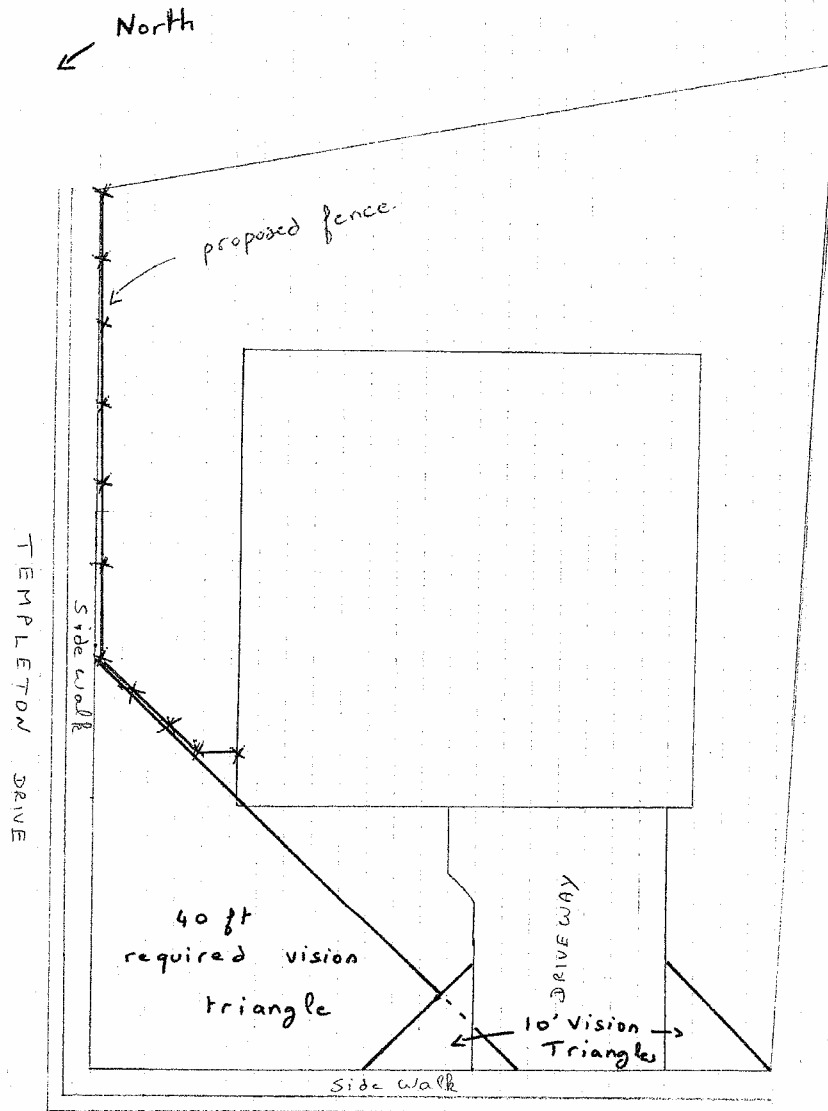
Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

1. The proposed fence shall consist of a one-to-three foot wood retaining wall located a the back of sidewalk and a six-foot wood fence located five feet behind the retaining wall. The fence shall be a maximum of six feet in height from the grade of the applicant's rear yard (area with pool).
2. Irrigation and landscaping shall be installed in the area between the retaining wall and the fence.
3. Minor changes in materials may be reviewed and considered for approval by the Director of Community Development.

SITE PLAN

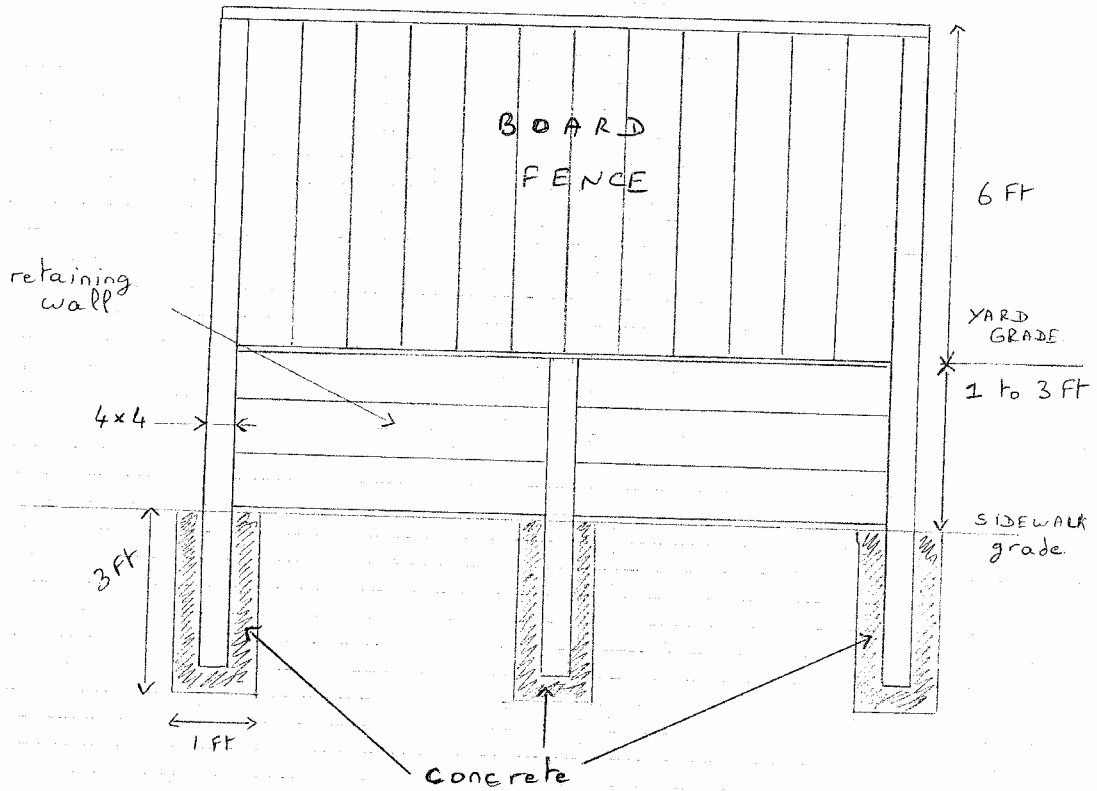
ATTACHMENT 3
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FENCE ELEVATION

ATTACHMENT 3

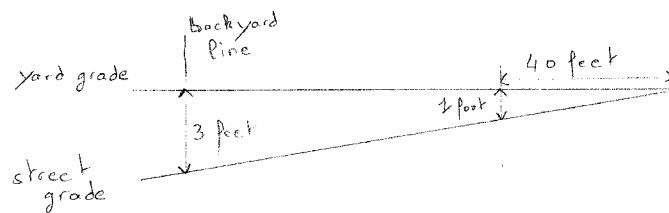
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Hello,

We just moved in and the required reductible front yard fence need to be replaced.

The side street of our corner lot has a downward slope. So our yard level is 1 foot above the sidewalk at the 40' required vision triangle and 3 feet at our backyard line.



We would like to build a retaining wall from the street grade to the yard grade and then build a 6' feet high fence on top. It will help to balance the grade differences and also keep our privacy.

ATTACHMENT 5
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Subj: Regarding File # 2004-0528
Date: 7/19/04 10:08:43 PM Pacific Standard Time
From: Piki594
To: gcaruso@ci.sunnyvale.ca.us.

To: Ms. Gerri Caruso
Project Planner, City of Sunnyvale

July 19, 2004

As an immediate neighbor of the property at 1124 Spinosa Drive; we are responding to the proposed project to allow a yard fence to be built that is greater than 7 to 9 feet in height. The proposed fence will go to the sidewalk, which puts our property in a box like position.

Also, this will cause reduced visibility, and inconsistency with the general appearance of the homes on the street, which could affect the resale value of our property.

This project would also remove a portion of our landscaping.

We are entirely opposed to this project.

We hope you will make a prudent and rightful solution to this proposal.

Thank you very much,

Mr. and Mrs. John Brent
594 Templeton Drive

(408) 738-1211